

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
Austin Division

Kristen Michael, an individual on behalf of
herself and all persons similarly situated,

Plaintiff,

v.

Opportunity Financial, LLC, a limited
liability company,

Defendant.

Case No. 1:22-cv-00529-LY

Hon. Lee Yeakel

**Declaration of Dan Terzian in support of her
Opposition to Opportunity Financial's Motion
to Compel Arbitration**

I, Dan Terzian, declare as follows:

1. I am over the age of 18 years old. I am counsel of record for Plaintiff Kristen Michael in this action. I make this declaration based upon my own personal knowledge. If called to testify, I could and would competently testify to the contents of this declaration.

2. Attached as Exhibit C is a true and correct copy of a PDF printout of the OppLoans webpage on Texas loans. I printed this PDF on April 18, 2022.

3. Attached as Exhibit D is a true and correct copy of FG New America Acquisition Corp.'s Schedule 14A. I downloaded this document from the SEC's website on December 4, 2021.

4. Attached as Exhibit E is a true and correct copy of FinWise Bancorp's prospectus. I downloaded this document from the SEC's website on February 19, 2022.

5. Attached as Exhibit H is a true and correct copy of Opportunity Financial's third quarter 2021 financial results that I downloaded from the SEC's website on February 19, 2022.

6. Attached as Exhibit I is a true and correct copy of Opportunity Financial's Form 8-K that I downloaded from the SEC's website on February 19, 2022.

7. Attached as Exhibit K is a true and correct copy of Opportunity Financial's trademark registration of OppLoans that I downloaded from the USPTO's website on February 19, 2022.

8. Attached as Exhibit L is a true and correct copy of Opportunity Financial's prospectus that I downloaded from the SEC's website on February 19, 2022.

9. Attached as Exhibit M is a true and correct copy of a PDF printout of FinWise Bank's strategic partnership webpage. I printed this PDF of this December 5, 2021.

10. Attached as Exhibit N is a true and correct copy of a screenshot of FinWise Bank's strategic partnership webpage, after I clicked the button/link "Learn More" that is to the right of "Opploans." I clicked the link to opploans.com/faqs, and it took me to the website opploans.com/faqs.

11. Attached as Exhibit O is a true and correct copy of the consent judgment and order in *District of Columbia v. Opportunity Financial, LLC*, No. 2021 CA 001072B (D.C. Super. Ct.). I obtained this document from the Office of the Attorney General for the District of Columbia's website.

12. Attached as Exhibit Q is a true and correct copy of a PDF printout of First Electronic Bank's website. I printed this PDF on May 22, 2022.

13. Attached as Exhibit R is a true and correct copy of PDF printouts of Opportunity Financial's registration records with the Texas Office of Consumer Credit Commissioner. I obtained this registration. I obtained it by going to the Texas Office of Consumer Credit Commissioner's website and searching for licensees. In the search field, I entered "Opportunity Financial" for the company name. That search then yielded the lender registrations by Opportunity Financial that are in Exhibit R.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 8, 2022



Dan Terzian